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Paper No. 6

GLENN PATENT GROUP
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In re Application of: E. Cazalet et al.
Application No.: 09/542,854
Filed: April 4, 2000
For: METHOD AND SYSTEM OF
MANAGING AC POWER NETWORKS
BASED UPON FLOW-GATE
MARKET TRANSACTIONS

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition, filed July 5, 2000 under 37 C.F.R. §102 to make the above-identified application special. Due to the content of the petition, it will be treated alternately under M.P.E.P. §708.02(VI), Energy, and M.P.E.P. §708.02(VI), Accelerated Examination.

A grantable petition under 37 C.F.R. §1.102(c), and M.P.E.P. §708.02, Section (VI), must be accompanied by a showing that the application is for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances etc. Such petitions should be accompanied by statements under 37 C.F.R. § 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention materially contributes to category (A) or (B) set forth above. No fee for such a petition is required.

The petition does not meet the requirements for special status in that there is no showing that the invention *materially contributes* to the discovery or development of energy resources or the more efficient utilization and conservation of energy resources. The petition states that the invention optimizes the control of the distribution of electrical power through power grids. The claimed invention merely supports this by recitations of contracting an AC power transfer. Contracting the transfer of power does not persuasively establish the efficient utilization *and* conservation of energy resources. Contracting involves establishing an agreement with respect to the resource, not actual efficient utilization or conservation of the resource.

Alternately, M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);

(B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status...;

(C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

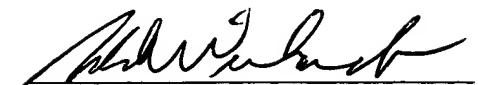
(D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

With respect to this criteria, applicant's submission is deficient in that it does not clearly comply with (B) and (E) above. With respect to (B), while applicant makes the statement that all claims presented are directed to a single invention, no statement is included to indicate that applicant will make an election without traverse if the Office determines that all the claims are not obviously directed to a single invention. With respect to (E), it is not clear how the *claimed* subject matter is patentable over the references. The discussion of the references asserts a failure of various references to teach "trading flow gate transmission rights as a basis for AC power transfer". However, claim 1 for example calls for "contracting an associated AC power transfer on each of said flow gates" where the number of flow gates could be one. This recitation has a different scope than the above assertion and thus patentability has not been particularly pointed out.

The petition is **DISMISSED**. Should applicant desire reconsideration, he/she should supplement this petition by a declaration or statement giving the information as outlined above. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision.



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